

AMENDED IN ASSEMBLY JANUARY 3, 2000

AMENDED IN ASSEMBLY APRIL 27, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 419**

**Introduced by Assembly Member Firebaugh**

February 12, 1999

---

---

An act to amend ~~Sections 21252 and 21455 of, and to add Section 21636 to, Section 21252 of~~ the Government Code, relating to the Public Employees' Retirement System.

### LEGISLATIVE COUNSEL'S DIGEST

AB 419, as amended, Firebaugh. Public Employees' Retirement System: benefits.

The Public Employees' Retirement Law prescribes the effective date of service retirement for accrual of allowance purposes.

This bill would prescribe the effective date of disability retirement under specified circumstances.

~~Existing law authorizes members to elect optional settlements at the time of retirement.~~

~~This bill would provide that the balance of accumulated contributions shall be paid upon the death of a member if the annuity payments received were less than those contributions. The bill would also provide that optional settlement one shall not be applicable to retirements that become effective on or after January 1, 2000.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21252 of the Government Code  
2 is amended to read:  
3 21252. Retirement shall be effective and the  
4 retirement allowance shall begin to accrue as of the date  
5 designated in the member's application as the effective  
6 date of retirement, or upon the day following the last day  
7 for which salary is payable if that day postdates the day  
8 designated by the person as the effective date or if the  
9 member has not designated an effective date. In no event  
10 shall the retirement become effective or the retirement  
11 allowance begin to accrue earlier than the first day of the  
12 month in which the member's application is received at  
13 an office of the board or by an employee of this system  
14 designated by the board, or, if the member has been  
15 incompetent to act on his or her own behalf continuously  
16 from the last day for which salary was payable, one year  
17 prior to the month in which an application by the  
18 guardian of his or her estate is so received. In the case of  
19 a an application for retirement for disability submitted by  
20 a member who was physically or mentally incapacitated  
21 to perform duties from the date of the discontinuance of  
22 state service to the time of the application, and who files  
23 his or her retirement application with the board within  
24 nine months after discontinuance of state service, the last  
25 day for which the salary was payable shall be deemed to  
26 be the day the application was filed. In the case of an  
27 application for retirement for disability filed with the  
28 board more than nine months after discontinuance of the  
29 member's state service, the effective date of the  
30 application shall be determined in accordance with  
31 Section 20160. An application for retirement may only be  
32 filed by or for a member who is living on the date the  
33 application is actually received by this system.  
34 ~~SEC. 2. Section 21455 of the Government Code is~~  
35 ~~amended to read:~~

~~21455. Optional settlement 1 consists of the right to have a retirement allowance paid him or her until his or her death and if he or she dies before he or she receives in annuity payments the amount of his or her accumulated contributions at retirement, to have the balance at death paid to his or her beneficiary or estate. This section shall not be applicable to retirements that become effective on or after January 1, 2000.~~

~~SEC. 3. Section 21636 is added to the Government Code, to read:~~

~~21636. In addition to the benefits provided by this article, for retirements on or after January 1, 2000, if upon the death of the member and the beneficiary the annuity payments received amount to less than the member's accumulated contributions at retirement, the balance shall be paid to the member's beneficiary or estate.~~